Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently amended) An isolated nucleic acid molecule comprising a polynucleotide which initiates transcription in a plant cell and comprises a sequence selected from the group consisting of:
   a) SEQ ID NO: 1;
   ~~b) at least 55 contiguous nucleotides of SEQ ID NO:1;~~
   d) a sequence having at least ~~70%~~ 90% sequence identity to the full length of SEQ ID NO: 1.
   e) a sequence of a polynucleotide that hybridizes under stringent conditions to the complement of SEQ ID NO:1, such conditions comprising 50% formamide, 1M NaCl, 1% SDS at 37°C and a wash in 0.1X SSC at 60°C to 65°C.
2. (Original) An expression cassette comprising a polynucleotide of Claim 1 operably linked to a polynucleotide of interest.
3. (Original) A vector comprising the expression cassette of Claim 2.
4. (Original) A plant cell having stably incorporated into its genome the expression cassette of Claim 2.
5. (Original) The plant cell of Claim 4, wherein said plant cell is from a monocot.
6. (Original) The plant cell of Claim 5, wherein said monocot is maize, barley, wheat, oat, rye, sorghum, or rice.
7. (Original) A plant having stably incorporated into its genome the expression cassette of Claim 2.
8. (Original) The plant of Claim 7, wherein said plant is a monocot.

9. (Original) The plant of Claim 8, wherein said monocot is maize, barley, wheat, oat, rye, sorghum, or rice.

10. (Currently amended) A ~~transgenic~~ seed of the plant of Claim 7, said seed comprising the expression cassette of Claim 2.

11. (Original) The plant of Claim 7, wherein the polynucleotide of interest encodes a gene product that confers pathogen or insect resistance.

12. (Original) The plant of Claim 7, wherein the polynucleotide of interest encodes a polypeptide involved in cell cycle regulation, carbohydrate metabolism, protein metabolism, fatty acid metabolism, or phytohormone biosynthesis.

13. (Withdrawn) A method for expressing a first polynucleotide in a plant, said method comprising introducing into a plant an expression cassette comprising a promoter and a first polynucleotide operably linked thereto, wherein said promoter comprises a second polynucleotide that initiates transcription of an operably linked polynucleotide in a plant cell, and wherein said second polynucleotide comprises a sequence selected from the group consisting of:

    a) SEQ ID NO: 1;

    b) at least 55 contiguous nucleotides of SEQ ID NO: 1;

    c) a sequence with at least 70% sequence identity to SEQ ID NO: 1; and

    d) a sequence of a polynucleotide that hybridizes under stringent conditions to the complement of SEQ ID NO: 1.

14. (Withdrawn) The method of Claim 13, wherein said first polynucleotide is selectively expressed in the embryo surrounding region.

15. (Withdrawn) The method of Claim 13, wherein said plant is a monocot.

16. (Withdrawn) The method of Claim 15, wherein said monocot is maize, barley, wheat, oat, rye, sorghum, or rice.

17. (Withdrawn) The method of Claim 13, wherein said first polynucleotide encodes a gene product that confers pathogen or insect resistance.

18. (Withdrawn) The method of Claim 13, wherein said first polynucleotide encodes a polypeptide involved in cell cycle regulation, carbohydrate metabolism, protein metabolism, fatty acid metabolism, or phytohormone biosynthesis.

19. (Withdrawn) A method for expressing a first polynucleotide in a plant cell, said method comprising introducing into a plant cell an expression cassette comprising a promoter and a first polynucleotide operably linked thereto, wherein said promoter comprises a second polynucleotide that initiates transcription of an operably linked polynucleotide in a plant cell, and wherein said second polynucleotide is selected from the group consisting of:

    a) a polynucleotide comprising the sequence set forth in SEQ ID NO: 1, or a complement thereof;

    b) a polynucleotide comprising at least 55 contiguous nucleotides of the sequence set forth in SEQ ID NO: 1;

    c) a polynucleotide comprising a sequence having at least 70% sequence identity to the sequence set forth in SEQ ID NO: 1; and,

    d) a polynucleotide that hybridizes under stringent conditions to the complement of SEQ ID NO: 1.

20. (Withdrawn) The method of Claim 19, wherein said plant cell is from a monocot.

21. (Withdrawn) The method of Claim 20, wherein said monocot is maize, barley, wheat, oat, rye, sorghum, or rice.

22. (Withdrawn) The method of Claim 19, wherein said first polynucleotide encodes a gene product that confers pathogen or insect resistance.

23. (Withdrawn) The method of Claim 19, wherein said first polynucleotide encodes a polypeptide involved in cell cycle regulation, carbohydrate metabolism, protein metabolism, fatty acid metabolism, or phytohormone biosynthesis.

24. (Withdrawn) A method for selectively expressing a first polynucleotide in the embryo surrounding region (ESR) of a plant seed, said method comprising introducing into a plant an expression cassette comprising a promoter and a first polynucleotide operably linked thereto, wherein said promoter comprises a second polynucleotide that initiates transcription of an operably linked polynucleotide in the ESR of a plant seed, and wherein said second polynucleotide is selected from the group consisting of:
    a) a polynucleotide comprising the sequence set forth in SEQ ID NO: 1, or a complement thereof;
    b) a polynucleotide comprising at least 55 contiguous nucleotides of the sequence set forth in SEQ ID NO: 1;
    c) a polynucleotide comprising a sequence having at least 70% sequence identity to the sequence set forth in SEQ ID NO: 1; and,
    d) a polynucleotide sequence that hybridizes under stringent conditions to the complement of SEQ ID NO: 1.
25. (Withdrawn) The method of Claim 24, wherein expression of said first polynucleotide alters the phenotype of said transformed seed.
26. (Withdrawn) The method of Claim 24, wherein the plant is a monocot.
27. (Withdrawn) The method of Claim 26, wherein the monocot is maize, barley, wheat, oat, rye, sorghum, or rice.
28. (Withdrawn) The method of Claim 24, wherein the first polynucleotide encodes a gene product that confers pathogen or insect resistance.
29. (Withdrawn) The method of Claim 24, wherein the first polynucleotide encodes a polypeptide involved in cell cycle regulation, carbohydrate metabolism, protein metabolism, fatty acid metabolism, or phytohormone biosynthesis.
30. (Withdrawn) A method of altering plant phenotype comprising:

(a) transforming a plant host cell with at least one isolated nucleic acid molecule of claim 1 operably linked to at least one polynucleotide of interest;

(b) growing the transformed host cell under conditions favoring plant regeneration; and

(c) generating a plant wherein said regenerated plant exhibits an altered phenotype.